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QUESTION NO.

Chun an Aire Gnothai Eachtracha: To the Minister for Foreign Affairs

To ask the Minister for Foreign Affairs if he has raised with the British authorities the allegations of very serious misconduct on the part of British Army personnel made in the Panorama Programme last night, including an allegation that a British Army Captain urged a UDA contact to arrange for his organisation to bomb the Whitegate Oil Refinery; if he will outline the response, if any, he has received from the British authorities; the steps, if any, he intends to take in this regard; and if he will make a statement on the matter.

- Proinsias De Rossa.

For ORAL answer on Tuesday 9th June, 1992.

DRAFT REPLY

The problems of leakages of intelligence information in the possession of the security forces to Loyalist paramilitary groups and of collusion between members of the security forces and Loyalist groups have been matters of profound concern to the Government and were raised repeatedly with the British authorities in the framework of the Anglo-Irish Conference, particularly in the context of a number of controversial killings in the late 1980s. These events gave rise to the commissioning of the Stevens Inquiry in September 1989. It was on foot of the Stevens Inquiry that Brian Nelson who acted as Chief Intelligence Officer for the UDA, whilst also working

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for British Military Intelligence, was arrested and was initially charged in early 1990 with possession of information likely to be of use to terrorists. A number of more serious charges were subsequently introduced.

On 22 January of this year, Nelson appeared in Court on 35 charges. He admitted 20, including 5 of conspiracy to murder, 14 of possessing information of use to terrorists and 1 of possessing a sub-machine gun. The Prosecution announced that it would not proceed with fifteen other charges, including two of murder. On 3 February Nelson was sentenced to ten years imprisonment.

The Brian Nelson affair and its very serious implications for nationalist confidence in the security forces and the rule of law in Northern Ireland have been the subject of discussion within the framework of the Anglo-Irish Agreement on a number of occasions.

My predecessor and I have raised these issues in detail, including the very disturbing media reports which had appeared in the London "Independent" in January of this year to the effect that Nelson's Army handler had encouraged the commission of crime, including bombing in our jurisdiction. I have raised these issues at each meeting of the Anglo-Irish Conference since my appointment as Minister. I drew attention to the importance of operating within the rule of law at all

times and the absolute necessity of refusing to tolerate, or become an accessory to serious crime. Whatever about the claims we have heard of many lives being saved, a claim which, as we saw from last night's programme, is now viewed with scepticism even within the security forces in Northern Ireland, I have pointed out very clearly to the British authorities that Nelson was involved in the taking of lives.

For their part, the British authorities have agreed that all elements of the security forces must operate within the rule of law. They have instituted an investigation into controls and safeguards over intelligence activities to ensure that they are adequate and have undertaken to let us know of the outcome of this investigation. I have left the British authorities under no illusion about the seriousness with which the Government view the matters referred to by the Deputy and I have stressed, and the British authorities accept, that there must never be a recurrence.

I can assure the Deputy and the House that this matter remains on the agenda of the Anglo-Irish Conference and that relevant information and developments will be raised in that framework, including the question of possible legal or disciplinary charges against Nelson's handlers in British Military Intelligence.

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Possible Supplementaries

Q. What message have you conveyed to the British Government about these events?

A. The British authorities have been made fully aware of our concern that those who have committed offences should be accountable under the law and that action must be taken to ensure that there is no recurrence of these events.

Q. What response have you got from the British?

A. The British side have indicated that following the conviction of Brian Nelson they are undertaking a review of the lessons to be learned from the case, and that they intend to ensure there will be no recurrence. We will be pursuing this matter further with them in the framework of the Anglo-Irish Conference where the issue remains firmly on the agenda.

Q. Does the Minister not agree that the proposed attack on Whitegate Oil Refinery, apparently instigated by a British Army captain, is extremely disturbing? What action has he taken on foot of this claim?

A. The threat of terrorist actions against persons or locations within the State, from whatever quarter it comes, is a matter of the most serious concern, including to the Garda authorities who are responsible for security in this jurisdiction. The Deputy can be assured that the discussions with the British authorities in the Conference framework have dealt with all the issues raised by the Nelson case.

- Q. Does this affair not indicate that British Military Intelligence should be prohibited from operating in Northern Ireland?
- A. It reinforces our often-stated view on the need to ensure that all members of the security forces operate within the rule of law and are held accountable for their actions. It also serves to remind us of the importance of maintaining police primacy in operations of this kind. I note that this was a point stressed by the former RUC Chief Constable, Sir John Hermon in last night's programme.
- Q. Is the Nelson case not an inevitable consequence of the British Government's determination to increase the role of the intelligence community in Irish affairs, as we saw in the recent decision on MI5
- A. I understand the point the Deputy is making, but my primary concern is to ensure that those acting on behalf of the authorities, whether from the security forces or other agencies, operate within the law and are answerable to the courts for their actions.
- Q. Does the Minister accept that "Colonel J" and possibly other members of Military Intelligence should be prosecuted?
- A. On the basis of the information available serious questions arise about the role played by British intelligence officers in relation to crimes with which Nelson was associated. It is, of course, for the relevant authorities in Northern Ireland to consider what legal and/or disciplinary action is appropriate in each case. However, we have made clear through the Conference the importance we attach to appropriate follow-through in this area.